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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,858	05/19/2000	Yoshinori Shimizu	450100-02472	1668
20999 7590 06/21/2007 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER VENT, JAMIE J	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 06/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/575,858

**Applicant(s)**

SHIMIZU, YOSHINORI

**Examiner**

Jamie Vent

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 21, 2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7,9-15,18-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffer et al (US 6,934,964) in view of Toriumi (US 6,062,868)

**[claims 1 and 9]**

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In regard to Claims 1 and 9, Schaffer et al discloses a reproducing apparatus and method for receiving contents data and index pictures corresponding thereto from a record medium or transmission (Figure 4) comprising:

- Contents data receiving means for receiving contents data recorded on different record media, said different record media including a plurality of optical media (Figure 4 and described in Column 9 Lines 40+ are the contents being received into the system);
- Index picture generating means for retrieving a picture frame from the contents data to a uniform picture size (Figure 12 shows the index generating means for live thumbnails of video content as described in Column 13 Lines 52+);
- selecting contents data with the displayed index pictures (Column 13 Lines 52+ through Column 14 Lines 1-25 describes the selecting of the contents);
- Picture processing means for processing the first index picture data that is read from said first storage means (Figure 13 shows the image processing means to display video or thumbnails from the storage means as described in Column 14 Lines 1-15);
- Second storing means for storing second index picture data that is formed by said picture processing means and for outputting picture

data to be displayed (Figure 4 shows a HDD and a memory card or disk that provides storage of data); and

- Wherein index picture generated from different contents data which have different respective formats and are received from different record media respectively can be displayed together in respective picture frames having the same picture size a(Column 14 Lines 1-25 describes the various formats that can be used for generation of index picture);
- Wherein record media information which represents the record media type including the optical media type is also displayed corresponding to index pictures retrieved from respective record media (Figure 4 shows the use of recording medium);however, lacks the recorded medium information is also displayed corresponding to index pictures and that an index picture corresponds to a television system of the record medium so that the index pictures generated from contents data having different television systems have the same picture size.

Toriumi discloses a data transmitting system wherein recorded information is displayed.

The information includes video, audio, and still pictures that are displayed to the user as shown in Figure 4. The use of showing still picture information with audio data further allows identification of the data file. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the recording apparatus with

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still picture processing system, as disclosed by Schaffer et al, and further incorporate the transmitting of data corresponding to the index picture, as disclosed by Toriumi.

**[claims 2, 3, 4, 5, 6, 10, 11, 12, 13, and 14]**

In regard to Claims 2, 3, 4, 5, 6, 10, 11, 12, 13, and 14, Schaffer et al discloses a reproducing apparatus and method wherein the picture processing comprises:

- converts the component format of the first index picture data(Column 13 Lines 34+ describes the converting of the image into a thumbnail);
- Mono-chrome data generating source and adds mono-chrome data generated by the mono-chrome data generating source to the picture frame of the first index picture data in a frame shape and adds the mono-chrome data to the picture frame of the first index picture data so that pictures of different picture frame sizes are converted into pictures of the same picture size (Column 14 Lines 15+ describes the changing of the index picture to add or resize the thumbnail for proper displaying and processing); and
- Enlargers or reduces the picture frame size of the first index picture data so that pictures of different picture frame sizes are converted into pictures of the same picture frame size (Column 13 Lines 12+ describes the changing of the index picture to add or resize the thumbnail for proper displaying and processing).

**[claims 7 and 15]**

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In regard to Claims 7 and 15, Schaffer et al discloses a reproducing apparatus and method wherein the first index picture data and second index picture are composed of first field and second field and the second index picture data is written to said second storing means, data of one of the first field and the second field that is not being displayed is written (Column 14 lines 1+ discuss how a first index picture data and second index picture are composed of the first and second field and the are stored as seen in Figure 12 and only the first picture images are displayed).

**[claims 18 & 19]**

In regard to Claims 18 and 19, Schaffer et al discloses a reproducing apparatus; however, fails to disclose a user selects an index pictures, contents data corresponding to the selected index picture are reproduced and displayed. Toriumi discloses a system wherein data and index pictures are reproduced and displayed as the user selects the information as seen in Figure 6. The use of selection of the data through the still picture information allows the use an alternate method of selecting appropriate data files. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the reproducing apparatus, as disclosed by Schaffer et al and further incorporate a system wherein the user selects the information from the use of still images, as disclosed by Toriumi.

4. Claims 16, 17, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al (US 6,934,964) in view of Toriumi (US 6,062,868) in further view of Yamamoto (US 6,904,227).

**[claims 16 & 17]**

In regard to Claims 16 and 17, Schaffer et al in view of Toriumi discloses the recording apparatus output to a display, as seen in Figure 4; however, fails to disclose that the type of output to be selected is either NTSC or PAL. Yamamoto et al discloses an image data decoding method that compares information for display depending on resolution to be displayed. The information to be displayed has various display modes that can be selected, such as NTSC/PAL as disclosed in Column 8 Lines 58+.

Therefore, it would be obvious to one of ordinary skill in the art to use the reproducing apparatus that generates index pictures for displaying and reproducing, as disclosed by Schaffer et al in view of Toriumi, and incorporate an output type of NTSC or PAL depending on the display apparatus, as disclosed by Yamamoto et al, which will allow for a better processing of the display of the index picture on the display.

**[claims 20 & 21]**

In regard to Claims 20 and 21, Schaffer et al in view of Toriumi discloses the different optical media types; however, fails to disclose a DVD video disk, a video CD, a CD-Rom, and a CD extra disc. Yamamoto et al discloses different contents of data is recorded and processed from an optical as seen in Figure 6. The use of various recording mediums allows for various content data to allow for various content data to be processed and recorded. Therefore, it would be obvious to one of ordinary skill in the art to use the video apparatus system, as disclosed by Schaffer et al in view of Toriumi, and further incorporate the use of optical disks, as described by Yomamoto et al.



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### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Niijima et al (US 5,926,230).

### **Contact Fax Information**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jamie Vent



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